

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

DAVID BROWN, )  
Plaintiff, )  
v. ) Case No. CIV-09-949-L  
MICHAEL J. ASTRUE, )  
Commissioner of the Social Security )  
Administration, )  
Defendant. )

## ORDER

On April 9, 2010, Magistrate Judge Bana Roberts entered a Report and Recommendation in this action brought by plaintiff pursuant to 42 U.S.C. §405(g) for judicial review of the defendant Commissioner of the Social Security Administration's (Commissioner's) final decision denying plaintiff's applications for disability insurance benefits and supplemental security income payments under the Social Security Act. The Magistrate Judge recommended that the decision of the defendant Commissioner be affirmed.

The court file reflects that plaintiff filed his Objections to Magistrate's Report and Recommendations which the court has carefully considered. Plaintiff's objection contains three propositions. First, plaintiff claims that the decision by the Administrative Law Judge (ALJ) that he can access other jobs existing in significant numbers in the economy is not supported by substantial evidence. Second, plaintiff asserts that the ALJ's decision that plaintiff does not have a combination of

impairments that meet or equal listing level disability is not supported by substantial evidence. Finally, plaintiff argues that the ALJ's failure to address his request for a medical expert to consider the combination of physical and mental impairments is error requiring remand.

Upon *de novo* review, the court finds that the Report and Recommendation should be adopted in its entirety. The Magistrate Judge properly found that substantial evidence supports the ALJ's findings. The Magistrate Judge was also correct in finding that the ALJ properly evaluated whether plaintiff had an impairment or impairments that meets or medically equals a listed impairment. The court agrees with the Magistrate Judge's finding that no error occurred with respect to the ALJ's evaluation of the evidence. Given the state of the record, the court finds that the evidence was sufficient to support the ALJ's evaluation of plaintiff's claims.

Accordingly, the decision of the Commissioner to deny plaintiff's applications for disability insurance benefits and supplemental security income payments is

**AFFIRMED.**

It is so ordered this 19th day of May, 2010.

  
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TIM LEONARD  
United States District Judge